

Double Patenting Rejection

Claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting. Applicants have obviated this rejection by filing a terminal disclaimer in compliance with 1.321(c).


Rejections Under 35 U.S.C. §102(e)

Claims 1 and 24 stand "rejected under 35 U.S.C. § 102(e) as being anticipated by Tao et al. (USP 6,361,771 B1)." Specifically, the Examiner contends that Tao et al. teach ARPE-19 comprising an expression vector coding for various polypeptides. Office Action, page 6. Applicants have filed herewith a declaration by inventor Weng Tao which demonstrates that the instant application has an earlier date of invention than the filing date of USP 6,361,771 B1. Accordingly, applicants respectfully request that the Examiner withdraw the outstanding rejection under 35 U.S.C. § 102(e).

CONCLUSION

Applicants believe that the claims are in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,


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